

m/045/049
Rec 11/25/96

Cactus Millsite EA

Affected (Infected?) Environment:

Cultural Resources:

BLM records show that the Cactus Millsite has not been previously recorded as a historic site.

Site files at the Division of State History also do not have the millsite recorded as a site. A review of books, theses, journal articles, and pamphlets on mineralization and mining history of the Gold Hill area did not locate any specific information on the Cactus mMillsite

The millsite location was visually inspected by Doug Melton (Archaeologist) and Mike Ford (Geologist) on 11/20/96. The area around the mill site had been cleared of debris and new construction in the form of buildings and settling ponds was present. Additionally, the current operators were expanding the millsite and had installed a new crusher atop the mill.

Based on the recent disturbances and new construction, the millsite no longer retains integrity of setting or design. Based on the lack of integrity, it is not recommended for listing on the National Register of Historic Places.

Environmental Consequences:

Cultural Resources

The Cactus Millsite is not recommended as eligible for listing on the National Register of Historic Places. Based on the lack of eligible sites, BLM believes the project will have no effect on historic properties and no additional cultural resource evaluations at the Cactus Millsite are necessary.

Doug Melton
(BLM Archeologist)
now moved

Mike:

Although I am not recommending any additional work at the millsite, the operators appear to be in violation of Section 110 (b) and (k) of the National Historic Preservation Act. These sections deal with making timely steps to document historic properties (sites that are or may be eligible for listing on the National Register) and insuring that operators are not intentionally destroying historic sites in order to avoid dealing with the Section 106 process. Section K deal with the intent, and in this case would be hard to prove.

Generally, violations of the National Historic Preservation Act (NHPA) are dealt with as civil matter rather than criminal ones. NHPA really has no criminal penalties in it. The civil costs, however, can be quit high. It cost the Transcontinental Pipeline Company of Alabama 11 million for failure to observe NHPA among other laws. AAAnd... of course you have to interest the US Attorney's Office. It is unlikely that they would be overly concerned. But if they come to us for a permit again, you need to make them aware **THEY CANNOT ALTER HISTORIC SITES OR IF THEY DO, WE CAN DENY THEM THEIR PERMIT** (So there!!!).

Additionally, Number 8 of your EA slips do not appear to be enforceable since they have already altered the millsite and surrounding area.